

Nicomedes Sy Herrera (SBN 275332)  
 Laura E. Seidl (SBN 269891)  
**HERRERA KENNEDY LLP**  
 1300 Clay Street, Suite 600  
 Oakland, California 94612  
 Telephone: (510) 422-4700  
 Facsimile: (855) 969-2050  
 Email: NHerrera@HerreraKennedy.com  
 LSeidl@HerreraKennedy.com

Shawn Kennedy (SBN 218472)  
 Bret D. Hembd (SBN 272826)  
**HERRERA KENNEDY LLP**  
 4590 MacArthur Boulevard, Suite 500  
 Newport Beach, California 92660  
 Telephone: (949) 791-9700  
 Email: SKennedy@HerreraKennedy.com  
 BHembd@HerreraKennedy.com

Tejinder Singh (*Pro Hac Vice*)  
**GOLDSTEIN & RUSSELL, P.C.**  
 7475 Wisconsin Avenue, Suite 850  
 Bethesda, Maryland 20814  
 Telephone: (202) 362-0636  
 Email: TSingh@GoldsteinRussell.com

Warren T. Burns (*Pro Hac Vice*)  
 Christopher J. Cormier (*Pro Hac Vice*)  
**BURNS CHAREST LLP**  
 900 Jackson Street, Suite 500  
 Dallas, Texas 75202  
 Telephone: (469) 904-4550  
 Email: WBurns@BurnsCharest.com  
 CCormier@BurnsCharest.com

*Attorneys for Plaintiff-Relator Zachary Silbersher*

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION**

UNITED STATES OF AMERICA; STATES OF  
 CALIFORNIA, COLORADO, CONNECTICUT,  
 DELAWARE, FLORIDA, GEORGIA, HAWAII,  
 ILLINOIS, INDIANA, IOWA, LOUISIANA,  
 MICHIGAN, MINNESOTA, MONTANA,  
 NEVADA, NEW JERSEY, NEW MEXICO, NEW  
 YORK, NORTH CAROLINA, OKLAHOMA,  
 RHODE ISLAND, TENNESSEE, TEXAS,  
 VERMONT, AND WASHINGTON; THE  
 COMMONWEALTHS OF MASSACHUSETTS  
 AND VIRGINIA; AND THE DISTRICT OF  
 COLUMBIA,

*ex rel.* ZACHARY SILBERSHER,

Plaintiffs,

v.

ALLERGAN, INC., ALLERGAN USA, INC.,  
 ALLERGAN SALES, LLC, FOREST  
 LABORATORIES HOLDINGS, LTD., ADAMAS  
 PHARMA, AND ADAMAS  
 PHARMACEUTICALS, INC.,

Defendants.

Case No.: 3:18-cv-03018-JCS

**JOINT CASE MANAGEMENT  
 STATEMENT**

Chief Magistrate Judge Joseph C. Spero

Case Management Conference Date:  
 April 22, 2022

Time: 2:00 P.M.

Place: Courtroom G, 15<sup>th</sup> Floor  
 Phillip Burton Federal Building  
 450 Golden Gate Avenue  
 San Francisco, CA 94102

Action Filed: April 25, 2018

Pursuant to the Court’s January 13, 2022 Order, Dkt. 162, Plaintiff-Relator Zachary Silbersher (“Relator”), on behalf of the United States of America and the Plaintiff States; and Defendants Allergan, Inc., Allergan USA, Inc., and Allergan Sales, LLC, and Forest Laboratories Holdings, Ltd. (collectively, “Allergan”); and Adamas Pharma, LLC and Adamas Pharmaceuticals, Inc. (together, “Adamas”) (“Allergan” and “Adamas” together, “Defendants”) (Defendants with Relator, the “Parties”), jointly file this Case Management Statement.<sup>1</sup>

The Parties refer the Court to the Joint Case Management Statement filed on January 8, 2021 (Dkt. 144), May 28, 2021 (Dkt. 155), September 24, 2021 (Dkt. 158), and January 12, 2022 (Dkt. 161) and provide the following case updates pursuant to the Court’s Order dated January 13, 2022 Order (Dkt. 162).

**1. Case Status Update:**

On January 28, 2021, this Court certified its December 11, 2020 Order for immediate appeal. *See* Dkt. 147 at 6. On February 8, 2021, Defendants petitioned the United States Court of Appeals for the Ninth Circuit appealing the Court’s decision, and on March 9, 2021, the Ninth Circuit Court of Appeals accepted Defendants’ petition. March 9, 2021 Order, *Silbersher v. Allergan*, No. 21-15420 (9th Cir.) (Dkt. 149).

On June 11, 2021, Appellants filed their Opening Brief (No. 21-15420, Dkts. 13 & 15). On August 27, 2021, Appellee Silbersher filed its Response Brief. (No. 21-15420, Dkt. 31.) Appellants’ filed their Reply Brief on October 20, 2021. (No. 21-15420, Dkt. 52.) Oral argument took place on January 10, 2022. (No. 21-15420, Dkt. 64.)

This case is currently stayed pending the Ninth Circuit’s resolution of Defendants’ appeal. *See* Dkt. 147 at 6. The Parties agree to provide the Court with an updated proposed schedule, if necessary, following a decision by the Ninth Circuit of Defendants’ appeal.

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<sup>1</sup> Allergan plc was originally named as a defendant but was dismissed pursuant to the stipulation of the Parties and Court order. *See* Dkt. 93.

1 Dated: April 15, 2022

**HERRERA KENNEDY LLP**

2 By: /s/ Nicomedes Sy Herrera  
3 Nicomedes Sy Herrera

4 Nicomedes Sy Herrera (State Bar No. 275332)  
5 Laura E. Seidl (State Bar No. 269891)  
6 **HERRERA KENNEDY LLP**  
7 1300 Clay Street, Suite 600  
8 Oakland, California 94612  
9 Telephone: (510) 422-4700  
10 Email: NHerrera@HerreraKennedy.com  
11 LSeidl@HerreraKennedy.com

12 Shawn Kennedy (State Bar No. 218472)  
13 Bret D. Hembd (State Bar No. 272826)  
14 **HERRERA KENNEDY LLP**  
15 4590 MacArthur Boulevard, Suite 500  
16 Newport Beach, California 92660  
17 Email: SKennedy@HerreraKennedy.com  
18 BHembd@HerreraKennedy.com

19 Tejinder Singh (*Pro Hac Vice*)  
20 **GOLDSTEIN & RUSSELL, P.C.**  
21 7475 Wisconsin Avenue, Suite 850  
22 Bethesda, Maryland 20814  
23 Telephone: (202) 362-0636  
24 Email: TSingh@GoldsteinRussell.com

25 Warren T. Burns (*Pro Hac Vice*)  
26 **BURNS CHAREST LLP**  
27 900 Jackson Street, Suite 500  
28 Dallas, Texas 75202  
Telephone: (469) 904-4550  
Email: WBurns@BurnsCharest.com

Christopher J. Cormier (*Pro Hac Vice*)  
**BURNS CHAREST LLP**  
4725 Wisconsin Ave NW, Suite 200  
Washington, D.C. 20016  
Telephone: (202) 577-3977  
Email: CCormier@BurnsCharest.com

*Attorneys for Plaintiff-Relator Zachary Silbersher*

1 Dated: April 15, 2022

**KIRKLAND & ELLIS**

2 By: /s/ Olivia Adendorff  
3 Olivia Adendorff

4 Olivia Adendorff (*pro hac vice*)  
5 **KIRKLAND & ELLIS**  
6 1601 Elm Street  
7 Dallas, TX 75201-6912  
8 Telephone: 214.972.1770  
9 Facsimile: 214.571.2900  
10 Email: Olivia.adendorff@kirkland.com

**GIBSON, DUNN & CRUTCHER LLP**

9 By: /s/ John Partridge  
10 John D.W. Partridge

11 John D. W. Partridge (State Bar No. 255570)  
12 **GIBSON, DUNN & CRUTCHER LLP**  
13 1801 California St.  
14 Suite 4200  
15 Denver, CO 80202-2642  
16 Telephone: 303.298.5700  
17 Facsimile: 303.298.5907  
18 Email: jpartridge@gibsondunn.com

15 Emma M. Strong (State Bar No. 313496)  
16 **GIBSON, DUNN & CRUTCHER LLP**  
17 1881 Page Mill Road  
18 Palo Alto, CA 94304-1211  
19 Telephone: 650.849.5338  
20 Facsimile: 650.849.5038  
21 Email: estrong@gibsondunn.com

*Attorneys for Allergan Defendants*

**DLA PIPER LLP (US)**

21 By: /s/ Andrew J. Hoffman  
22 Andrew J. Hoffman II

23 Andrew J. Hoffman II (Bar No. 259507)  
24 andrew.hoffman@dlapiper.com  
25 **DLA PIPER LLP (US)**  
26 2000 Avenue of the Stars, Suite 400 North Tower  
27 Los Angeles, CA 90067-4704  
28 Tel: 310.595.3000  
Fax: 310.595.3300

Matthew Holian (Bar No. 211728)  
matt.holian@dlapiper.com  
**DLA PIPER LLP (US)**  
33 Arch Street, 26th Floor  
Boston, MA 02110-1447  
Tel: 617.406.6000  
Fax: 617.406.6100

Lisa Tenorio-Kutzkey (Bar No. 205955)  
ltk@dlapiper.com  
**DLA PIPER LLP (US)**  
555 Mission Street, Suite 2400  
San Francisco, CA 94105-2933  
Tel: 415.836.2500  
Fax: 415.836.2501

*Attorneys for Adamas Defendants*

**ATTESTATION OF FILER**

I, Nicomedes Sy Herrera, attest that I have obtained the concurrence of Defendants' counsel as to the substance of this **JOINT CASE MANAGEMENT STATEMENT**. Ms. Adendorff and Messrs. Partridge and Hoffman have authorized the use of their electronic signatures on this document.

Dated: April 15, 2022

By: /s/ Nicomedes Sy Herrera  
Nicomedes Sy Herrera